

NDTX FORM B -2014

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

JOSEPH WAYNE SWEENEY

§
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§

No. 3:13-cr-446-P (01)

ORDER

The Court has received your motion under 18 U.S.C. § 3582(c) to reduce a sentence based on the 2014 retroactive amendments to the United States Sentencing Guidelines reducing the base offense levels applicable to most quantities on the drug and chemical quantity tables, known as Amendment 782. *See* Dkt. No. 77. Based on your motion, it appears that:

- ☐ () You are not currently in prison for the sentence you seek to have reduced.
- ☐ () You are currently on supervised release.
- ☐ () You are currently in prison because you violated your supervised release.
- ☒ (X) Your case is currently on appeal.
- ☐ () Your offense of conviction did not involve a drug or chemical quantity to which Amendment 782 applies.
- ☐ () You were sentenced pursuant to an agreement with the Government for a specific sentence that included a two-level reduction in anticipation of Amendment 782.
- ☐ () You already received a sentence reduction and waived the right to seek a further reduction under Amendment 782.
- ☐ () You were sentenced as a career offender under the career offender provisions of USSG § 4B1.1 instead of the drug quantity provisions of USSG §§ 2D1.1 or 2D1.11.
- ☐ () You were sentenced to a mandatory minimum sentence, and the Government did not file a motion for reduction of that sentence based on substantial assistance.

For this reason, you are not eligible for re-sentencing, and your motion under 18 U.S.C. § 3582(c) [Dkt. No. 77] is hereby **DENIED**.

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Signed this 19th day of March, 2015.

A handwritten signature in cursive script, reading "Jorge A. Solis", written over a horizontal line.

JORGE A. SOLIS
CHIEF JUDGE